
SENATE BILL 6819

State of Washington

60th Legislature

2008 Regular Session

By Senators Kohl-Welles and Fairley

Read first time 01/25/08. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to providing consistency in terminology in the
2 Revised Code of Washington; amending RCW 43.105.020 and 9A.36.080; and
3 creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** By August 1, 2008, the code reviser shall
6 provide the state government committees of the senate and house of
7 representatives with a list of all statutes that contain definitions or
8 references that are inconsistent with this act.

9 **Sec. 2.** RCW 43.105.020 and 2003 c 18 s 2 are each amended to read
10 as follows:

11 As used in this chapter, unless the context indicates otherwise,
12 the following definitions shall apply:

- 13 (1) "Department" means the department of information services;
14 (2) "Board" means the information services board;
15 (3) "Committee" means the state interoperability executive
16 committee;
17 (4) "Local governments" includes all municipal and quasi municipal

1 corporations and political subdivisions, and all agencies of such
2 corporations and subdivisions authorized to contract separately;

3 (5) "Director" means the director of the department;

4 (6) "Purchased services" means services provided by a vendor to
5 accomplish routine, continuing, and necessary functions. This term
6 includes, but is not limited to, services acquired for equipment
7 maintenance and repair, operation of a physical plant, security,
8 computer hardware and software installation and maintenance,
9 telecommunications installation and maintenance, data entry, keypunch
10 services, programming services, and computer time-sharing;

11 (7) "Backbone network" means the shared high-density portions of
12 the state's telecommunications transmission facilities. It includes
13 specially conditioned high-speed communications carrier lines,
14 multiplexors, switches associated with such communications lines, and
15 any equipment and software components necessary for management and
16 control of the backbone network;

17 (8) "Telecommunications" (~~means the transmission of information by~~
18 ~~wire, radio, optical cable, electromagnetic, or other means;~~

19 ~~(9) "Information" includes, but is not limited to, data, text,~~
20 ~~voice, and video)) has the same meaning as contained in RCW 80.04.010;~~

21 ((+10)) (9) "Information processing" means the electronic capture,
22 collection, storage, manipulation, transmission, retrieval, and
23 presentation of information in the form of data, text, voice, or image
24 and includes telecommunications and office automation functions;

25 ((+11)) (10) "Information services" means data processing,
26 telecommunications, office automation, and computerized information
27 systems;

28 ((+12)) (11) "Equipment" means the machines, devices, and
29 transmission facilities used in information processing, such as
30 computers, word processors, terminals, telephones, wireless
31 communications system facilities, cables, and any physical facility
32 necessary for the operation of such equipment;

33 ((+13)) (12) "Information technology portfolio" or "portfolio"
34 means a strategic management process documenting relationships between
35 agency missions and information technology and telecommunications
36 investments;

37 ((+14)) (13) "Oversight" means a process of comprehensive risk

1 analysis and management designed to ensure optimum use of information
2 technology resources and telecommunications;

3 ~~((15))~~ (14) "Proprietary software" means that software offered
4 for sale or license;

5 ~~((16))~~ (15) "Video telecommunications" means the electronic
6 interconnection of two or more sites for the purpose of transmitting
7 and/or receiving visual and associated audio information. Video
8 telecommunications shall not include existing public television
9 broadcast stations as currently designated by the department of
10 community, trade, and economic development under chapter 43.330 RCW;

11 ~~((17))~~ (16) "K-20 educational network board" or "K-20 board"
12 means the K-20 educational network board created in RCW 43.105.800;

13 ~~((18))~~ (17) "K-20 network technical steering committee" or
14 "committee" means the K-20 network technical steering committee created
15 in RCW 43.105.810;

16 ~~((19))~~ (18) "K-20 network" means the network established in RCW
17 43.105.820;

18 ~~((20))~~ (19) "Educational sectors" means those institutions of
19 higher education, school districts, and educational service districts
20 that use the network for distance education, data transmission, and
21 other uses permitted by the K-20 board.

22 **Sec. 3.** RCW 9A.36.080 and 1993 c 127 s 2 are each amended to read
23 as follows:

24 (1) A person is guilty of malicious harassment if he or she
25 maliciously and intentionally commits one of the following acts because
26 of his or her perception of the victim's race, color, religion,
27 ancestry, national origin, gender, sexual orientation, or mental,
28 physical, or sensory handicap:

29 (a) Causes physical injury to the victim or another person;

30 (b) Causes physical damage to or destruction of the property of the
31 victim or another person; or

32 (c) Threatens a specific person or group of persons and places that
33 person, or members of the specific group of persons, in reasonable fear
34 of harm to person or property. The fear must be a fear that a
35 reasonable person would have under all the circumstances. For purposes
36 of this section, a "reasonable person" is a reasonable person who is a
37 member of the victim's race, color, religion, ancestry, national

1 origin, gender, or sexual orientation, or who has the same mental,
2 physical, or sensory handicap as the victim. Words alone do not
3 constitute malicious harassment unless the context or circumstances
4 surrounding the words indicate the words are a threat. Threatening
5 words do not constitute malicious harassment if it is apparent to the
6 victim that the person does not have the ability to carry out the
7 threat.

8 (2) In any prosecution for malicious harassment, unless evidence
9 exists which explains to the trier of fact's satisfaction that the
10 person did not intend to threaten the victim or victims, the trier of
11 fact may infer that the person intended to threaten a specific victim
12 or group of victims because of the person's perception of the victim's
13 or victims' race, color, religion, ancestry, national origin, gender,
14 sexual orientation, or mental, physical, or sensory handicap if the
15 person commits one of the following acts:

16 (a) Burns a cross on property of a victim who is or whom the actor
17 perceives to be of African American heritage; or

18 (b) Defaces property of a victim who is or whom the actor perceives
19 to be of Jewish heritage by defacing the property with a swastika.

20 This subsection only applies to the creation of a reasonable
21 inference for evidentiary purposes. This subsection does not restrict
22 the state's ability to prosecute a person under subsection (1) of this
23 section when the facts of a particular case do not fall within (a) or
24 (b) of this subsection.

25 (3) It is not a defense that the accused was mistaken that the
26 victim was a member of a certain race, color, religion, ancestry,
27 national origin, gender, or sexual orientation, or had a mental,
28 physical, or sensory handicap.

29 (4) Evidence of expressions or associations of the accused may not
30 be introduced as substantive evidence at trial unless the evidence
31 specifically relates to the crime charged. Nothing in this chapter
32 shall affect the rules of evidence governing impeachment of a witness.

33 (5) Every person who commits another crime during the commission of
34 a crime under this section may be punished and prosecuted for the other
35 crime separately.

36 (6) "Sexual orientation" for the purposes of this section (~~means~~
37 ~~heterosexuality, homosexuality, or bisexuality~~) shall have the same
38 meaning as in RCW 49.60.040.

1 (7) Malicious harassment is a class C felony.

2 (8) The penalties provided in this section for malicious harassment
3 do not preclude the victims from seeking any other remedies otherwise
4 available under law.

5 (9) Nothing in this section confers or expands any civil rights or
6 protections to any group or class identified under this section, beyond
7 those rights or protections that exist under the federal or state
8 Constitution or the civil laws of the state of Washington.

--- END ---